IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.8398 of 2004

Between:

1. Smt.Rukmanamma, w/o late Neyyila Hanumantha Rao,
   r/o H.No.6/5/230, Isukabasthi Street, Baruva, Sompeta Mandal,
   Srikakulam District.
2. Neyyila Laxminarayana, s/o Neyyila Hanumantha Rao,
   r/o H.No.6/5/230, Isukabasthi Street, Baruva, Sompeta Mandal,
   Srikakulam District.

...PETITIONERS

AND

1. Andhra Pradesh State Road Transport Corporation, Musheerabad,
   Hyderabad, rep.by its Vice Chairman & Managing Director.
2. Region Manager, A.P.S.R.T.C., Srikakulam Region, Srikakulam.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ of mandamus or any other appropriate writ declaring the action of the respondents in not providing employment to the 2nd petitioner for the post of Conductor, Shramik or any other suitable post as illegal, arbitrary and unjust and consequently direct the respondents to provide employment to 2nd petitioner on compassionate ground with all consequential and other benefits.

Counsel for the Petitioners: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.Y.VIVEKANANDA SWAMY

The Court made the following:

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.8398 OF 2004

ORDER:

The petitioners seek a direction to provide employment to the second petitioner for the post of Conductor, or any other post under the Bread Winner Scheme on compassionate grounds.

The first petitioner is the wife of late N.Hanumantha Rao, who died while in service as Helper in the respondent/Corporation in Palasa depot on 14.06.2002, leaving behind three daughters and two sons. The second petitioner is the second son of the deceased employee. The first petitioner made a representation to provide employment to his second son on 18.07.2002. The respondent/Corporation instead of considering her claim, advised the petitioner to avail Additional Monetary Benefit in lieu of employment. Thereafter, she made another representation on 16.03.2004 to provide employment to her son, the second petitioner. It is stated that the second petitioner is entitled and qualified to be appointed as Conductor on compassionate grounds.

The respondent/Corporation filed a counter-affidavit admitting the fact that the

husband of the first petitioner died while in service as Helper in Palasa depot on 14.06.2002 and about the representation of the first petitioner seeking to provide employment to the second petitioner. It is stated that future vacancies may not arise in the posts of Conductors/Drivers. It is further stated that as there is no possibility of consideration for providing employment under Bread Winner Scheme, the petitioners are directed to avail Additional Monetary Benefit in lieu of employment. It is submitted that in a similar circumstance, the dependant of a deceased employee filed Writ Petition No.778 of 2004 before this Court, wherein this Court directed the respondent/Corporation to consider the case of the dependant of the deceased employee for employment under Bread Winner scheme and in pursuant to the said direction, the respondents considered their cases for the appointment for the post of Conductor. It is further submitted in the counter-affidavit that the application of the petitioners will be kept pending seniority for the appointment for the post of Conductor under Bread Winner Scheme and will be considered as and when his turn comes, subject to fulfillment of Recruitment Regulations/Conditions and when the sanctioned vacancies arose.

Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the respondent/Corporation to consider the case of the petitioners for appointment of the second petitioner to the post of the Conductor under Bread Winner scheme, as per the seniority, as and when his turn comes, subject to the fulfillment of the Recruitment Regulations/Conditions in the future vacancies.

With the above observations, the Writ Petition is disposed of. No order as to costs.

_____

(V.ESWARAIAH, J)

18th November 2004

RRB

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Vice Chairman & Managing Director, Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad.
2. The Region Manager, A.P.S.R.T.C., Srikakulam Region,

Srikakulam.

3. Two CD copies.